

FILED

JUL 20 2016

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA**

In re:

Case No. 15-22990-GLT

JUSTIN M. MALIK and
LAURA L. MCKEE,

Chapter 13

Debtors.

Related to Dkt. No. 150

Hearing: July 20, 2016 at 10:00 a.m.

JUSTIN M. MALIK and
LAURA L. MCKEE,

Movants,

v.

Ditech Financial
~~GREEN TREE MORTGAGE,~~

Respondent.

ORDER OF COURT

Upon consideration of the foregoing Motion for Sale of Property Free and Clear of all Liens, Claims and Encumbrances, the Court finds as follows:

1. Pursuant to 11 U.S.C. § 363(b) and (f), the Debtors have effectuated service of the Motion for Sale of Property Free and Clear of all Liens, Claims and Encumbrances (the "Sale Motion") and the related Notice of Sale setting the hearing and response deadline upon the Respondents, all creditors and other parties in interest as requires by the applicable Bankruptcy Rules of Procedure and Local Rule 6004-1.

2. Under the particular circumstances of this case, the Debtors have given sufficient notice of the hearing date on the Sale Motion to the Respondents, all creditors and other parties in interest as evidenced by the Certificate of Service, which has been filed.

3. The sale of the real property (the “Sale”) at 4034 Pinehurst Drive in City of Morgantown, County of Monongalia, and State of West Virginia 26505 is in good faith and any qualified buyer at the sale purchase is in good faith in accordance with In re Abbots Dairies of Pennsylvania, Inc., 788 F.2d 143 (3d Cir. 1986).

4. The Court has resolved all responses and/or objections that were filed in regard to the Sale Motion in favor of the Sale. Further, a sale pursuant to the Lease With Purchase Option dated April 16, 2010 (the “*Agreement*”), which was fully executed by Laura McKee (“*Seller*”) and Joe Belt and Sandy Belt (“*Buyers*”), and hereby is APPROVED.

5. The matters considered by the Court at the hearing were “core” proceedings pursuant to 28 U.S.C § 157(b)(2) over which the Court has jurisdiction to enter a final Order.

6. The terms of the Sale are fair and reasonable and in the best interest of the bankruptcy estate.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that:

7. Pursuant to 11 U.S.C. § 363(b) and (f), the Motion for Sale of Property Free and Clear of all Liens, Claims, and Encumbrances regarding the Sale of the real property from the Seller to the Buyers, in the amount One Hundred Seventy-Four Thousand, Nine Hundred Dollars (\$174,900.00), is hereby approved under the terms and conditions set forth in the executed the Lease With Purchase Option dated April 16, 2010.

8. In view of the prior payments that the Buyers made to the Seller under the Agreement, the remaining balance outstanding on the purchase price, which the Sellers shall bring to closing in immediately available funds, is One Hundred Forty-Five Thousand, Two Hundred and Fifty-Eight Dollars (\$145,258.00).

9. The Sale is free and clear of any and all liens, claims, and encumbrance, specifically those liens, claims and/or encumbrances of the Respondents herein.

10. The Proceeds of sale shall be distributed as follows:

Sale Price	\$174,900.00
Buyers Outstanding Obligation	\$145,285.00
Green Tree Ditech Mortgage Payoff	\$99,102.67 *

Net Sales Proceeds to Chapter 13 Trustee	\$46,182.33
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11. Any remaining liens, claims and encumbrances are hereby transferred to the proceeds of the Sale, if and to the extent that they may be determined to be valid liens against the property sold in accordance with their validity and priority.

12. Counsel for the Debtors will be paid the \$176.00 sale motion fee immediately upon closing of the sale.

13. The sale is "as is", "where is". Closing will occur when this Order becomes final and non-appealable.

14. Closing of the sale must occur on or before ~~August 15, 2016~~ **September 30, 2016** with the net proceeds of sale to be distributed to Ronda Winnecour, chapter 13 trustee.

15. A report of sale must be filed within fourteen (14) days of the closing of the sale.

Date: **7/20/2016**


Gregory L. Paddonio
United States Bankruptcy Judge

* Or such other amount that may be due and owing as of the closing date.

Imaged Certificate of Notice Page 4 of 5

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Justin M. Malik
Laura L. McKee
DebtorsCase No. 15-22990-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: amaz
Form ID: pdf900Page 1 of 2
Total Noticed: 57

Date Rcvd: Jul 20, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 22, 2016.

db/jdb
aty +Justin M. Malik, Laura L. McKee, 346 Nilan Hill Rd., Point Marion, PA 15474-1390
+Robleto Law, PLLC, Three Gateway Center, 401 Liberty Avenue, Suite 1306,
Pittsburgh, PA 15222-1004

cr George A. Franks, III, c/o David Z. Valencik, Esq., Calaiaro Valencik,
428 Forbes Ave., Ste. 900, Pittsburgh, PA 15219-1621

cr Siwel Systems, LLC, 100 Lincoln Highway, Imperial, PA 15126-2200

14094388 +ACS/College Loan Corp., College Loan Corporation, 10000 W. Charleston Blvd., Suite 200,
Las Vegas, Nevada 89135-1004

14164126 American InfoSource LP as agent for, DIRECTV, LLC, PO Box 51178,
Los Angeles, CA 90051-5478

14094390 Atlantic Broadband, 24 Main St, Bradford, PA 16701-2018

14094391 Bank of America Practice Solutions, PO Box 809155, Chicago, IL 60680-9155

14094392 Best Buy/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497

14094393 C.A. Curtze Co., d/b/a Specialty Steak Service, 1717 E 12th St, Erie, PA 16511-1723

14114346 +C.A. Curtze Co. d/b/a Specialty Steak Service, c/o Amato Keating and Lessa, P.C.,
107 North Commerce Way', Bethlehem PA 18017-8913

14141911 CAPITAL ONE, N.A., C/O BECKETT AND LEE LLP, POB 3001, MALVERN, PA 19355-0701

14133240 +CLC TRUST II/ELT DEUTSCHE BANK On behalf of, MHEAC d/b/a ASA, c/o Keith Coburn,
MHEAC d/b/a ASA, 100 Cambridge Street, Suite 1600, Boston, MA 02114-2518

14120257 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083

14094394 Capital One Bank USA NA, PO Box 30281, Salt Lake City, UT 84130-0281

14094395 Citi Cards/Citibank, PO Box 6241, Sioux Falls, SD 57117-6241

14094396 +Credit Protection Association LP, 13355 Noel Rd, Dallas, TX 75240-6837

14094397 +DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550
(address filed with court: Direct TV, PO Box 60036, Los Angeles, CA 90060-0036)

14201268 +Deere & Company d/b/a John Deere Financial, 6400 NW 86th St, Johnston IA 50131-2945

14130875 Ditech Financial LLC, PO BOX 6154, Rapid City, SD 57709-6154

14151387 ECAST SETTLEMENT CORPORATION, POB 29262, NEW YORK, NY 10087-9262

14094398 Fayette Broadcast Corporation, 44 S Mount Vernon Ave, Uniontown, PA 15401-3224

14094399 Frank Fratto Inc., 711 Kingview Rd, Scottdale, PA 15683-1836

14094400 Franklin American Mortgage Company, PO Box 77404, Ewing, NJ 08628-6404

14149564 +George A. Franks, III, 324 High Avenue, Masontown, PA 15461-1916

14129137 Granite State Mgmt, PO Box 3420, Concord, NH 03302-3420

14094402 Herald-Standard, 8 E Church St, Uniontown, PA 15401-3563

14094403 Home City Ice, PO Box 111116, Cincinnati, OH 45211-1116

14094404 +Joe Belt and Sandy Belt, 5 Pineview Pl., Morgantown, WV 26505-2874

14094405 +John Deere Financial, PO Box 4450, Carol Stream, IL 60197-4450

14160492 Joseph and Linda Swartz, 35 Meadow Ln, Uniontown, PA 15401-5265

14094406 Masontown Trophy and Embroidery, 25 S Main St, Masontown, PA 15461-2039

14094407 NHHELC/GSM&R, PO Box 3420, Concord, NH 03302-3420

14094408 OneView Finance, PO Box 4130, Hopkins, MN 55343-0498

14094409 +PA Dept. of Labor and Industry, State Workers Insurance Fund, 100 Lackawanna Ave,
Scranton, PA 18503-1966

14163941 +PA State Workers' Insurance Fund, c/o Mary Boyco, 100 Lacakwanna Ave,
Scranton, PA 18503-1966

14100003 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101-4982

14094410 PNC Bank, PO Box 856177, Louisville, KY 40285-6177

14145735 +PNC Mortgage, a division of PNC Bank N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421

14094411 Sears/CBNA, PO Box 6283, Sioux Falls, SD 57117-6283

14161065 Siwel Systems, LLC, c/o E.D. Lewis, Member, 100 Lincoln Highway, Imperial, PA 15126-2200

14094412 +The North Fayette County Municipal Auth., 1634 University Dr, Dunbar, PA 15431

14160493 Thomas and Constance Battaglia, PO Box 243, Uledi, PA 15484-0243

14094413 United Bank, 81 W Main St, Uniontown, PA 15401-3340

14094414 United Bank, PO Box 2373, Charleston, WV 25328-2373

14094415 United Bankcard Center, 514 Market St, Parkersburg, WV 26101-5144

14108884 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Se, P.O. Box 19657, Irvine, CA 92623-9657

14094416 Wells Fargo Dealer Services, PO Box 1697, Winterville, NC 28590-1697

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/PDF: rmscedi@recoverycorp.com Jul 21 2016 00:56:14
Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
Miami, FL 33131-1605

14094389 E-mail/Text: holly.tylka@advanceddisposal.com Jul 21 2016 00:53:52 Advanced Disposal,
1192 McClellandtown Rd, McClellandtown, PA 15458-1118

14094401 +E-mail/Text: bankruptcy.bnc@gt-cs.com Jul 21 2016 00:53:22 Green Tree, PO Box 6172,
Rapid City, SD 57709-6172

14114015 +E-mail/Text: bnckohlsnotices@beckett-lee.com Jul 21 2016 00:53:19 Kohls, PO BOX 3115,
Milwaukee, WI 53201-3115

14149360 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 21 2016 00:56:42
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

14109347 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Jul 21 2016 00:53:37
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, Pa. 17128-0946

District/off: 0315-2

User: amaz
Form ID: pdf900

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Total Noticed: 57

Date Rcvd: Jul 20, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14100870	E-mail/PDF: rmscedi@recoverycorp.com Jul 21 2016 00:56:13 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605	
14094417	+E-mail/Text: bankruptcy@firstenergycorp.com Jul 21 2016 00:53:50 76 S Main St, Akron, OH 44308-1817	West Penn Power,
14160978	+E-mail/Text: bankruptcy@firstenergycorp.com Jul 21 2016 00:53:50 5001 NASA Blvd, Fairmont, WV 26554-8248	West Penn Power,

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LL
cr PNC Bank, National Association

TOTALS: 2, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 22, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 20, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor PNC Bank, National Association
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
Aurelius P. Robleto on behalf of Attorney Robleto Law, PLLC apr@robletolaw.com,
rmk@robletolaw.com, lsr@robletolaw.com
Aurelius P. Robleto on behalf of Debtor Justin M. Malik apr@robletolaw.com, rmk@robletolaw.com,
lsr@robletolaw.com
Aurelius P. Robleto on behalf of Joint Debtor Laura L. McKee apr@robletolaw.com,
rmk@robletolaw.com, lsr@robletolaw.com
David Z. Valencik on behalf of Joint Debtor Laura L. McKee dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com
David Z. Valencik on behalf of Debtor Justin M. Malik dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com
David Z. Valencik on behalf of Creditor George A. Franks, III dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com
Donald R. Calaiaro on behalf of Creditor George A. Franks, III dcalaiaro@c-vlaw.com,
cvlaw.ecf.dcalaiaro@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com
James A. Prostko on behalf of Creditor DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC
pawb@fedphe.com, james.prostko@phelanhallinan.com
Nicholas R. Pagliari on behalf of Creditor Siwel Systems, LLC npagliari@mijb.com,
sburick@mijb.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 12